

Draft Section 110 Infrastructure SIP Certification 2010 Primary Sulfur Dioxide NAAQS

Given below is draft language for the body of the I-SIP certification letter. The language would be provided to the Governor's office to assist in preparing the certification letter for the Governor's signature or her designee (e.g., the Secretary of Energy and Environment).

Sections 110(a)(1) and (2) of the Clean Air Act require that each state review and revise as necessary its State Implementation Plan (SIP) following promulgation of a new or revised National Ambient Air Quality Standard (NAAQS). [See 42 U.S.C. 7410(a)(1) and (2)] On June 2, 2010, the U.S. Environmental Protection Agency (EPA) revised the level and form of the Primary NAAQS for Sulfur Dioxide (SO₂) [75 Fed.Reg. 35520, June 22, 2010]. EPA issued the "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)" in September 2013 ("EPA's 2013 I-SIP guidance"). Under this guidance, states may certify that their existing SIPs meet the "infrastructure" elements of § 110(a)(2), rather than submitting a SIP for a revised NAAQS such as the 2010 SO₂ NAAQS.

Oklahoma's SIP is codified in 40 CFR Part 52, Subpart LL. On behalf of the State of Oklahoma, I hereby certify that, as indicated in the enclosed table titled "Oklahoma's State Implementation Plan (SIP) Submittal 'Infrastructure' Checklist," Oklahoma's SIP meets the infrastructure obligations for the 2010 Primary SO₂ NAAQS. To date, the only Program changes required to meet the revised SO₂ NAAQS were revisions to Appendix E of OAC 252:100, to change the level and form of the Primary SO₂ standard [CAA § 110(a)(2)(H)].

State public participation procedures for such SIP submittals were submitted to EPA for review under 40 CFR § 51.102. In a letter dated August 23, 2012, EPA concurred that Oklahoma's procedures are consistent with the requirements of 40 CFR § 51.102 and associated guidance. Public notice for this submittal was posted on DEQ's web site on April 30, 2014, to allow the opportunity to provide comments and to request a public hearing preliminarily scheduled for June 5, 2014 at DEQ's offices. {Option: No hearing requests were received during the minimum 30-day comment period (5/1/14 – 6/1/14). Therefore, a notice of hearing cancellation was posted on June 2, 2014.} Attached is documentation of this public notice and submittal process. Attached are copies of comments received during the comment period and the public hearing, and a Response to Comments document. It is our understanding that the final results of EPA's review of this submittal will be determined through rulemaking and will be published in the *Federal Register*.

Note that this letter and its supporting documentation do not address § 110(a)(2)(I), which pertains to the nonattainment planning requirements of Title I, Part D of the Clean Air Act. These requirements are not governed by the three-year SIP submission deadline under § 110(a)(1). In addition, Oklahoma currently has no SO₂ nonattainment areas, and no nonattainment plans are due.

Note also that this submittal is not intended to assert that Oklahoma meets all requirements of § 110(a)(2)(D)(i)(I), which relate to interstate pollutant transport affecting attainment and maintenance of the NAAQS. It is our understanding that EPA expects to address § 110(a)(2)(D)(i)(I) separately through issuance of further guidance. However, the checklist does describe certain related aspects of DEQ's infrastructure.

Proposed Certification Letter Language